Remarks

In the official action, the Examiner started off with an objection to claim 1, asserting that claim 1 is "informal". As the Examiner will note by reference to the claim amendments made herein, claim 1 has been amended to place it in a more traditional method format.

The Examiner went on to reject claims 1-9 and 12-19 under 35 U.S.C. 102(e) as being anticipated by GB 2,339,356. First, it is noted that GB 2,339,356 is not available to the Examiner as a reference under 35 U.S.C. 102(e) since 35 U.S.C. 102(e) concerns itself with US patent documents and not British patent documents. Thus, it is assumed that the reference to subsection (e) in the rejection put forth in paragraph 4 is an editorial error and that the Examiner really intended to make the rejection under 35 U.S.C. 102(a). If that is not the case, then the Examiner is respectfully requested to telephone the undersigned to discuss this rejection.

With respect to the Examiner's assertion that the invention is anticipated by GB 2,339,356, the Applicant believes otherwise. GB 2,339,356 only discloses a single source of location data about the current location of a mobile entity and thus does not anticipate claim 1 which recites both a "first source of location data" and "at least one other source of location data". Additionally, claim 1 recites "adaptively varying the interval between the location updates from the first source in dependence on the provision of location data indicative of the current location of the mobile entity from at least one other source of location data that operates independently of said first source and location updates provided thereby." GB 2,339,356 does not meet that limitation.

More particularly, GB 2,339,356 uses a set of transmission devices 11, 12 and 13 (together forming the "first transmission means") with each transmission device transmitting signals indicative of its own fixed location. These signals are used by the portable detection means to determine its position (see second paragraph on page 2); alternatively, the portable detection means 14 is arranged to forward on the signals its receives from the transmission devices to the second receiver means 20 (presumably to permit the latter to determine the location of the portable detection means 14). The

signals from the transmission devices are used to determine the location of the portable detection means by a triangulation process (see second paragraph on page 3).

However, when one analyzes GB 2,339,356, there is only ONE independent source of location data about the current location of the portable detection means, this being the entity (whichever entity that might be) that derives the location of the portable detection means from the signals transmitted by the transmission devices. If the Examiner considers the three transmission devices 11, 12 and 13 of GB 2,339,356 as being three separate sources of location data, it is believed that upon a closer reading of GB 2,339,356, it is believed that the Examiner will see that the location data they provide individually is about themselves, and not about the current location of the portable detection means. See, for example, the paragraph bridging page 6 and 7 of GB 2,339,356.

GB 2,339,356 does disclose varying the time interval between the occasions when the portable detection means is operated (see third and fourth full paragraphs on page 4). This time interval may be varied as a function of the position or velocity of the object to which the portable detection means is attached. However, there is no disclosure or suggestion that this position is determined by any means other than by the use of the signals from the transmitting devices 11, 12 and 13. Accordingly, there is no disclosure or suggestion that the time interval between obtaining location data from a first data source is varied "in dependence on the provision of location data" "from at least one other source of location data" as recited by claim 1.

With regard to the comments made by the Examiner in relation to claims 2 and 15, it appears that the Examiner must be equating the transmission devices 11, 12 and 13 to short-range beacons and is then using paragraph 2 on page 5 to assert that there is also a cellular radio system for providing location data. However, that paragraph is clearly saying that the transmission devices 11, 12 and 13 can be constituted by cellular radio base stations.

The Examiner has also rejected most of the claims as lacking novelty over US 6,650,284

(Mannings). The Examiner does not justify the citation of '284, which by itself, has too late of a filing date to be citable. In this connection, it is not understood why the Examiner did not rely instead on an earlier Mannings document, such as US 6,111,539 mentioned on the face of '284. Is the '539 patent somehow defective as a prior art reference?

In Mannings' main embodiment, a mobile unit has a GPS receiver 7 for determining its position and a cellular radio subsystem for receiving overlays (see col. 10, lines 29 to 65). Position fixes are taken at regular intervals (col. 11, line 62).

The location-determination system is described from col. 13 line 65 onwards. Of interest is col. 14 lines 48 to 59 which appear to disclose the use of a second location source (current cell ID received from the cellular radio infrastructure) in order to provide a coarse position indication. However, there is no disclosure or suggestion that provision of data from this second source has any influence at all on "varying the interval between the location updates from said first source" as recited by claim 1.

The mainstay of the Examiner's argument seems to be the passage at col. 15, lines 29 to 41 which describes tailoring the frequency at which location updates are requested "to the size and nature of the current overlay area". It is assumed that the Examiner is taking the overlays as "location data about the mobile entity" (original claim 1) and then using this passage to assert that Mannings varies the location update interval in dependence on location data received from a source other than the GPS receiver – even though the overlays are sent in dependence on the location determined by the GPS receiver (see col. 10, lines 47 to 65).

The amendments made to claim 1 clearly distinguish it from Mannings since now the "at least one other source of location data" must operate independently of the first source which is not the case in Mannings.

Finally, it is noted that col. 15, line 42 to col. 16, line 7 discusses several alternative

sources of location updates that can be used when the GPS receiver is not usable. However, the availability of the these alternative sources of location updates are not used to modify the frequency of updates from the GPS receiver.

With regard to the rejection of claims 3-5 and 16-18, the examiner appears to be arguing that the speed of the mobile entity is location data received from a source other than the first source. In response, it is noted that (a) there is no indication how this speed measure is obtained, and (b) even if the speed were disclosed as being obtained from the instruments of a vehicle, speed is not of itself indicative of the current location of the vehicle and at best can be integrated to give displacement from a location reference that is presumably provided by the first source of location data (the GPS system).

We have amended the introductory portion of the application to indicate other US applications which are related to the instant one.

Reconsideration is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on May 10, 2004

(Date of Deposit)

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